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9 ATTORNEYS FOR PLAINTIFF
B&G FOODS NORTH AMERICA, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

15 B&G FOODS NORTH AMERICA, INC.,
16 Plaintiff,
17 v.
18 KIM EMBRY and ENVIRONMENTAL
19 HEALTH ADVOCATES, INC., acting as
enforcement representatives under California
Proposition 65 on behalf of the State of
20 California,
21 Defendants.

Case No. 2:20-cv-00526-KJM-DB

**B&G FOODS NORTH AMERICA,
INC.'S NOTICE OF WITHDRAWAL OF
MOTION TO COMPEL NO. 3 RE
DEFENDANTS' PRESERVATION OF
EVIDENCE AND CHAIN OF CUSTODY
[ECF 138]**

Date: March 1, 2024
Time: 10:00 AM

Magistrate Judge: Hon. Deborah Barnes
Courtroom: 27

SAC Filed: November 23, 2022
Trial Date: None Set

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiff B&G Foods North America, Inc. (“Plaintiff” or
3 “B&G Foods”) hereby withdraws its Notice of Motion and Motion to Compel No. 3 regarding
4 Defendants’ Preservation of Evidence and Chain of Custody (“Motion”) without prejudice. (ECF
5 No. 138.)

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7 Dated: February 16, 2024

Respectfully Submitted,

8 BRAUNHAGEY & BORDEN LLP

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10 By: 
Matthew Borden

11 *Attorneys for Plaintiff*
12 *B&G Foods North America, Inc.*

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